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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**Objection Of The USACM Liquidating Trust
To Wynn & Lorraine J. Gunderson's Claim
Asserting Secured Status**

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

Wynn & Lorraine J. Gunderson filed Proof of Claim Nos. 10725-02447-2 which Amends 10725-02447-1, and 10725-02448-2 which Amends 10725-02448-1 against USA Commercial Mortgage Company ("USACM"). The Proof of Claim asserts a secured claim. The USACM Liquidating Trust (the "USACM Trust") hereby objects to Wynn & Lorraine J. Gunderson's assertion that the claim is secured by a valid lien on USACM property and moves this Court, pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of Bankruptcy Procedure, for an order reclassifying Claim Nos. 10725-02447-2 which Amends 10725-02447-1, and 10725-02448-2 which Amends 10725-02448-1 as

1 general unsecured claims. The USACM Trust is not, by this filing, objecting at this time
2 to any of the claims as unsecured claims or on grounds that the claims were untimely filed,
3 but reserves the right to do so. The basis for this Objection is fully explained in the
4 USACM Liquidating Trust's Motion for Summary Judgment Regarding (1) Responses to
5 the USACM Trust's First through Thirty-Third Omnibus Objections to Claims Asserting a
6 Secured Status; (2) Responses to the USACM Trust's First through Third Omnibus
7 Objections to Claims Asserting a Priority Status; And (3) Newly Alleged Secured And
8 Priority Claims (the "Motion"), filed today. The USACM Trust will serve a copy of the
9 Motion with this objection.

10 Dated: July 30, 2007.

11 **LEWIS AND ROCA LLP**

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13 By: /s/ RC (#6593)

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